

1 PROPOSED LEGISLATIVE CHANGES

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3 Proposed Legislative Change: Amending Va. Code § 30-356 to include redaction of email
4 addresses from forms that are publicly released.

5 **§ 30-356. Powers and duties of the Council.**

6 The Council shall:

7 1. Prescribe the forms required for complying with the disclosure requirements of Article 3 and
8 the Acts. These forms shall be the only forms used to comply with the provisions of Article 3 or
9 the Acts. The Council shall make available the disclosure forms and shall provide guidance and
10 other instructions to assist in the completion of the forms;

11 2. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state government
12 officers and employees and legislators pursuant to the Acts. The Council may review disclosure
13 forms for completeness, including reviewing the information contained on the face of the form to
14 determine if the disclosure form has been fully completed and comparing the disclosures
15 contained in any disclosure form filed by a lobbyist pursuant to § [2.2-426](#) with other disclosure
16 forms filed with the Council, and requesting any amendments to ensure the completeness of and
17 correction of errors in the forms, if necessary. If a disclosure form is found to have not been filed
18 or to have been incomplete as filed, the Council shall notify the filer in writing and direct the
19 filer to file a completed disclosure form within a prescribed period of time, and such notification
20 shall be confidential and is excluded from the provisions of the Virginia Freedom of Information
21 Act (§ [2.2-3700](#) et seq.);

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23 3. Require all disclosure forms and lobbyist registration statements that are required to be filed
24 with the Council to be filed electronically in accordance with the standards approved by the
25 Council. The Council shall provide software or electronic access for filing the required
26 disclosure forms and registration statements without charge to all individuals required to file
27 with the Council. The Council shall prescribe the method of execution and certification of
28 electronically filed forms, including the use of an electronic signature as authorized by the
29 Uniform Electronic Transactions Act (§ [59.1-479](#) et seq.). The Council may grant extensions as
30 provided in § [30-356.2](#) and may authorize a designee to grant such extensions;

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32 4. Accept and review any statement received from a filer disputing the receipt by such filer of a
33 gift that has been disclosed on the form filed by a lobbyist pursuant to Article 3;

34 5. Beginning July 1, 2016, establish and maintain a searchable electronic database comprising
35 those disclosure forms that are filed with the Council pursuant to §§ [2.2-426](#), [2.2-3117](#), [2.2-3118](#),
36 and [30-111](#). Such database shall be available to the public through the Council's official website;

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38 6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate
39 information, including informal advice, regarding ethics, conflicts issues arising under Article 3
40 or the Acts, or a person's duties under Article 3 or the Acts to any person covered by Article 3 or
41 the Acts or to any agency of state or local government, in an expeditious manner. The Council

42 may authorize a designee to furnish formal opinions or informal advice. Formal advisory
43 opinions are public record and shall be published on the Council's website; however, no formal
44 advisory opinion furnished by a designee of the Council shall be available to the public or
45 published until such opinion has been approved by the Council. Published formal advisory
46 opinions may have such deletions and changes as may be necessary to protect the identity of the
47 person involved or other persons supplying information. Informal advice given by the Council or
48 the Council's designee is confidential and is excluded from the mandatory disclosure provisions
49 of the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.); however, if the recipient
50 invokes the immunity provisions of § [2.2-3121](#) or [30-124](#), the record of the request and the
51 informal advice given shall be deemed to be a public record and shall be released upon request.
52 Other records relating to formal advisory opinions or informal advice, including records of
53 requests, notes, correspondence, and draft versions of such opinions or advice, shall also be
54 confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of
55 Information Act;

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57 7. Conduct training seminars and educational programs for lobbyists, state and local government
58 officers and employees, legislators, and other interested persons on the requirements of Article 3
59 and the Acts and provide training sessions for local elected officials in compliance with Article 9
60 (§ [2.2-3132](#)) of Chapter 31 of Title 2.2 and ethics orientation sessions for legislators in
61 compliance with Article 6 (§ [30-129.1](#) et seq.) of Chapter 13;

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63 8. Approve orientation courses conducted pursuant to § [2.2-3128](#) and, upon request, review the
64 educational materials and approve any training or course on the requirements of Article 3 and the
65 Acts conducted for state and local government officers and employees;

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67 9. Publish such educational materials as it deems appropriate on the provisions of Article 3 and
68 the Acts;

69 10. Review actions taken in the General Assembly with respect to the discipline of its members
70 for the purpose of offering nonbinding advice;

71 11. Request from any agency of state or local government such assistance, services, and
72 information as will enable the Council to effectively carry out its responsibilities. Information
73 provided to the Council by an agency of state or local government shall not be released to any
74 other party unless authorized by such agency;

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76 12. Redact from any document or form that is to be made available to the public any residential
77 address, personal telephone number, *email address*, or signature contained on that document or
78 form; and

79 13. Report on or before December 1 of each year on its activities and findings regarding Article 3
80 and the Acts, including recommendations for changes in the laws, to the General Assembly and
81 the Governor. The annual report shall be submitted by the chairman as provided in the
82 procedures of the Division of Legislative Automated Systems for the processing of legislative
83 documents and reports and shall be published as a state document.

84 Proposed Legislative Change: Specifically authorize the Council to provide guidance on
85 Virginia's "revolving door" statutes.

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87 **§ 2.2-3104.02. Prohibited conduct for constitutional officers.**

88 In addition to the prohibitions contained in § 2.2-3103, no constitutional officer shall, during the
89 one year after the termination of his public service, act in a representative capacity on behalf of
90 any person or group, for compensation, on any matter before the agency of which he was an
91 officer.

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93 The provisions of this section shall not apply to any attorney for the Commonwealth.

94 Any person subject to the provisions of this section may apply to the *Council or the* attorney for
95 the Commonwealth for the jurisdiction where such person was elected as provided in § 2.2-3126,
96 for an advisory opinion as to the application of the restriction imposed by this section on any
97 post-public employment position or opportunity.

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99 **§ 30-103. Prohibited conduct.**

100 No legislator shall:

101 1. Solicit or accept money or other thing of value for services performed within the scope of his
102 official duties, except the compensation, expenses or other remuneration paid to him by the
103 General Assembly. This prohibition shall not apply to the acceptance of special benefits which
104 may be authorized by law;

105 2. Offer or accept any money or other thing of value for or in consideration of obtaining
106 employment, appointment, or promotion of any person with any governmental or advisory
107 agency;

108 3. Offer or accept any money or other thing of value for or in consideration of the use of his
109 public position to obtain a contract for any person or business with any governmental or advisory
110 agency;

111 4. Use for his own economic benefit or that of another party confidential information which he
112 has acquired by reason of his public position and which is not available to the public;

113 5. Accept any money, loan, gift, favor, service, or business or professional opportunity that
114 reasonably tends to influence him in the performance of his official duties. This subdivision shall
115 not apply to any political contribution actually used for political campaign or constituent service
116 purposes and reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2;

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118 6. Accept any business or professional opportunity when he knows that there is a reasonable
119 likelihood that the opportunity is being afforded him to influence him in the performance of his
120 official duties;

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122 7. During the one year after the termination of his service as a legislator, represent a client or act
123 in a representative capacity on behalf of any person or group, for compensation, on any matter
124 before the General Assembly or any agency of the legislative branch of government. The
125 prohibitions of this subdivision shall apply only to persons engaged in activities that would
126 require registration as a lobbyist under § 2.2-422. Any person subject to the provisions of this
127 subdivision may apply to the *Council, as provided for in § 30-356, or the* Attorney General, as
128 provided in § 30-122, for an advisory opinion as to the application of the restriction imposed by
129 this subdivision on any post-public employment position or opportunity;

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131 8. Accept any honoraria for any appearance, speech, or article in which the legislator provides
132 expertise or opinions related to the performance of his official duties. The term "honoraria" shall
133 not include any payment for or reimbursement to such person for his actual travel, lodging, or
134 subsistence expenses incurred in connection with such appearance, speech, or article or in the
135 alternative a payment of money or anything of value not in excess of the per diem deduction
136 allowable under § 162 of the Internal Revenue Code, as amended from time to time;

137 9. Accept appointment to serve on a body or board of any corporation, company or other legal
138 entity, vested with the management of the corporation, company or entity, and on which two
139 other members of the General Assembly already serve, which is operated for profit and regulated
140 by the State Corporation Commission as (i) a financial institution, (ii) a mortgage lender or
141 broker, (iii) any business under Chapter 5 (§ 13.1-501 et seq.) of Title 13.1, (iv) any business
142 under Title 38.2, or (v) any business under Title 56;

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144 10. Accept a gift from a person who has interests that may be substantially affected by the
145 performance of the legislator's official duties under circumstances where the timing and nature of
146 the gift would cause a reasonable person to question the legislator's impartiality in the matter
147 affecting the donor. Violations of this subdivision shall not be subject to criminal law penalties;
148 or

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150 11. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his
151 public office for private gain. Violations of this subdivision shall not be subject to criminal law
152 penalties.

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